

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TAMAR OSHER,)	
)	
Plaintiff,)	
)	
)	
vs.)	CASE NO. 2:08-00031
)	JUDGE CAMPBELL/KNOWLES
)	
)	
ANN JARED, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

This matter is before the Court upon a Motion to Dismiss, filed pursuant to Fed. R. Civ. P. 12(b)(6), by Defendant Plateau Mental Health Center. Docket No. 65. The grounds for the Motion are succinctly stated as follows:

In support of this Motion, Plateau Mental Health Center would show unto the Court that it is not named in the Complaint nor are there any allegations against Plateau Mental Health Center stating a cause of action for which relief may be granted.


Since Plaintiff's Complaint fails to even mention Plateau Mental Health Center and fails to set out any allegations to support any type of action against Plateau Mental Health Center, it should be dismissed.

Id.

The record reflects that, on December 23, 2008, Plaintiff filed a document headed "Filing a Motion to Add Defendant Plateau Mental Health Center." Docket No. 41. The Court subsequently granted that Motion. Docket No. 49. Plaintiff's amendment does raise substantive claims against Defendant Plateau Mental Health Center.

For the foregoing reasons, the “Motion to Dismiss” of Defendant Plateau Mental Health Center should be DENIED.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have ten (10) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within ten (10) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh’g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. Clifton Knowles
United States Magistrate Judge